

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

00-cr-977 (JGK)
11-cv-9089 (JGK)

KEVIN ALLER,

ORDER

Defendant.

JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the defendant dated January 26, 2012, in which the defendant questions his proposed release date from the Bureau of Prisons. The defendant asserts that the Bureau of Prisons has not properly calculated the release date in view of the reduction in the defendant's sentence as a result of this Court's decision reducing the defendant's sentence under the First Step Act. However, the calculation of the release date for a defendant is committed to the Bureau of Prisons ("BOP"). See United States v. Wilson, 503 U.S. 329, 335 (1992) ("After a district court sentences a federal offender, the Attorney General, through BOP, has the responsibility for administering the sentence."). The defendant should present any dispute with the release date to the Bureau of Prisons in the first instance, including any appropriate grievance proceeding within the Bureau of Prisons. See 28 C.F.R. §§ 542.10-542.16. If the defendant is not satisfied with any resolution by the Bureau of Prisons, then the

appropriate remedy is to file a petition pursuant to 28 U.S.C. § 2241 contesting the calculation by the Bureau of Prisons. See Carmona v. United States Bureau of Prisons, 243 F.3d 629, 632 (2d Cir. 2001).

The Court will send a copy of this Order to Mr. Aller and well as to Mr. Aller's counsel who successfully argued for First Step relief for Mr. Aller. Counsel may be able to assist Mr. Aller.

Mr. Aller's request to this Court to require the Bureau of Prisons to recalculate the defendant's release date is denied without prejudice.

The Clerk is directed to send a copy of this Order to the Defendant at: Kevin Aller 45021-054, Metropolitan Detention Center, P.O. Box 329002, Brooklyn, NY 11232.

SO ORDERED.

**Dated: New York, New York
February 5, 2021**

/s/ John G. Koeltl
John G. Koeltl
United States District Judge

JAN 26 2021

HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007

RE: UNITED STATES v. KEVIN ALLEN
00 CR 977 (JGK)

DEAR JUDGE KOELTL:

I respectfully submit this letter in connection with my resentencing that happen on Nov 17, 2020. under the First Step Act. There seem's to be a very, very serious, problem and in close is my time I had before the resentence, and the new one. There will be two sets¹ one of my custody classification form and sentence monitoring computation data Mr. Koeltl before I came in front of you, for the resentence as you can see on my male custody classification I had 282 month left! when you resentence me on Nov 17, 2020. You save me time save on 20 year's running into cont 2 & 3, & count 4 to my consecutive. As you can see and what I'm bringing into & in front of you is I 30 year left. but my release date was saying 2044

So after you subtract the 20 years, my time should say 42 month left, not 72 month left.

MR. KOELTL How often I had 30 year's 6 year's was taking off for sick time. That's how and why I had 44 years left!! But now with 30 year's or 6 year's of sick time come off. It's not adding up right.

MR. KOELTL IF YOU TOOK 20 year's OFF, FROM 282 month I SHOULD HAVE 42 month left. BUT IT'S SAYING I HAVE 72 month AND IT'S WRONG IT WENT UP 3 year's. CAN YOU LOOK AT MY EXHIBIT'S AND SEE THE MATH IS WRONG AND CAN YOU PLEASE FIX IT. YOU GAVE ME THIRTY MORE MONTH, OR GRAND PARENTS ADDED IT WRONG.

THANK YOU. AND GOD BLESS.

Rein Eller

EXHIBITS

male custody classification Form

(2) set's my old one before the
sentence. saying 282 month.

And the new one, THAT saying 72
month. & it should say 42 month.

Sentence monitoring computation data.

(2) set's my old one before the
sentence, allowing the orginal set up
And the new one & it's backwards
I have in a square.

BROQG 606.00 * MALE CUSTODY CLASSIFICATION FORM * 12-14-2020
PAGE 001 OF 001 10:27:12

(A) IDENTIFYING DATA

REG NO...: 45021-054

FORM DATE: 07-24-2020

ORG: LEW

NAME....: ALLER, KEVIN

MGTV: NONE

PUB SFTY: GRT SVRTY, SENT LGTH

MVED:

,EFOR my resentence on 11-17-20 (B) BASE SCORING

DETAINER: (0) NONE

SEVERITY.....: (7) GREATEST

MOS REL.: 282

CRIM HIST SCORE: (02) 3 POINTS

ESCAPES.: (0) NONE

VIOLENCE.....: (3) 5-10 YRS MINOR

VOL SURR: (0) N/A

AGE CATEGORY...: (2) 36 THROUGH 54

EDUC LEV: (1) ENRLD + SAT IN GED

DRUG/ALC ABUSE.: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED.....: (4) 26-75%

PROG PARTICIPAT: (2) GOOD

LIVING SKILLS...: (2) GOOD

TYPE DISCIP RPT: (0) GREATEST

FREQ DISCIP RPT.: (3) NONE

FAMILY/COMMUN...: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST VARIANCE	SEC TOTAL	SCORED LEV	LEV MGMT	SEC LEVEL	CUSTODY	CONSIDER
+15	+15	0	+15	MEDIUM	N/A	IN SAME

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

As you can see subtract 240 month leave me with 42 month no >2!!

As you can see I had 30 year left then out my whole 50 years!! The more time more good Time. How. Only 6 years out a 50 years & 6 out of 30 years It dont add up.

$$\begin{array}{r} 282 \\ - 240 \\ \hline 42 \end{array}$$

& my Time should say THAT.

BROQG 606.00 * MALE CUSTODY CLASSIFICATION FORM * 01-25-2021
PAGE 001 OF 001 09:26:42

(A) IDENTIFYING DATA

REG NO.: 45021-054 FORM DATE: 01-21-2021 ORG: DSC
NAME....: ALLER, KEVIN

MGTV: NONE

PUB SFTY: GRT SVRTY MVED:

new one after my sentence (B) BASE SCORING

DETAINER: (0) NONE SEVERITY.....: (7) GREATEST
MOS REL.: 72 CRIM HIST SCORE: (02) 3 POINTS
ESCAPES.: (0) NONE VIOLENCE.....: (3) 5-10 YRS MINOR
VOL SURR: (0) N/A AGE CATEGORY...: (2) 36 THROUGH 54
EDUC LEV: (1) ENRLD + SAT IN GED DRUG/ALC ABUSE.: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED.....: (4) 26-75% PROG PARTICIPAT: (2) GOOD
LIVING SKILLS...: (2) GOOD TYPE DISCIP RPT: (0) GREATEST
FREQ DISCIP RPT.: (3) NONE FAMILY/COMMUN...: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST VARIANCE	SEC TOTAL	SCORED LEV	LEV MGMT	SEC LEVEL	CUSTODY	CONSIDER
+15	+15	0	+15	LOW	N/A	IN SAME

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

AS YOU CAN SEE I SOT 30 EXTRA months.
WHY DID IT SO UP!!? YOU TOOK OFF 20 years
From 282.

BROQG 540*23 *
PAGE 001 *SENTENCE MONITORING
COMPUTATION DATA
AS OF 12-14-2020* 12-14-2020
* 10:40:24

REGNO.: 45021-054 NAME: ALLER, KEVIN

FBI NO.....: 223292PA8
ARS1.....: BRO/A-HLD
UNIT.....: H
DETAINERS.....: NODATE OF BIRTH: 07-31-1975 AGE: 45
ARS2.....: LEW/FED WRIT
QUARTERS.....: H05-503U
NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 08-15-2043

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 02-15-2044 VIA GCT REL

-----COURT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW YORK, SOUTHERN DISTRICT
DOCKET NUMBER.....: S4 00CR00977-01 (JSM)
JUDGE.....: MARTIN, JR.
DATE SENTENCED/PROBATION IMPOSED: 09-26-2003
DATE COMMITTED.....: 11-13-2003
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NOFELONY ASSESS MISDMNR ASSESS FINES COSTS
NON-COMMITTED.: \$300.00 \$00.00 \$00.00 \$00.00

RESTITUTION....: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 545 18:1962 RACKETEER (RICO)
OFF/CHG: T18:1962(D); RACKETEERING CONSPIRACY (COUNT 2);
T21:846;T21:841(B) (1) (A); CONSPIRACY TO DISTRIBUTE AND
POSSESS W/INTENT TO DISTRIBUTE COCAINE AND CRACK (COUNT 3)SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 20 YEARS
TERM OF SUPERVISION.....: 5 YEARS
NEW SENTENCE IMPOSED.....: 40 YEARS
BASIS FOR CHANGE.....: COURT ORDER MODIFYING SENTENCE
CLASS OF OFFENSE.....: CLASS A FELONY
DATE OF OFFENSE.....: 10-24-2000FOCUS ON THIS
SECTION.WHY IT START
like THIS. BUT the
new one. IS Back
WARD'S. THAT'S ONE OF THE
Reasons my Time running
WRONG

G0002 MORE PAGES TO FOLLOW . . .

Mr. Koeltl I Had 282 month left. You Took 20 years
Af. why my Time not saying 42 month left.I need your
Help
CAN YOU FIX IT.

BROQG 540*23 *
PAGE 002 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 12-14-2020

* 12-14-2020
* 10:40:24

REGNO...: 45021-054 NAME: ALLER, KEVIN

-----CURREN OBLIGATION NO: 020 -----
OFFENSE CODE....: 545 18:1962 RACKETEER (RICO)
OFF/CHG: T18:1959(A)(5); CONSPIRACY TO COMMIT MURDER (COUNT 4)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 10 YEARS
TERM OF SUPERVISION.....: 3 YEARS
CLASS OF OFFENSE.....: CLASS A FELONY
RELATIONSHIP OF THIS OBLIGATION
TO OTHERS FOR THE OFFENDER....: CONSECUTIVE
DATE OF OFFENSE.....: 12-29-1996

-----CURREN COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 05-14-2020 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 07-13-2009 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010, 010 020

DATE COMPUTATION BEGAN.....: 09-26-2003
AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA
TOTAL TERM IN EFFECT.....: 50 YEARS
TOTAL TERM IN EFFECT CONVERTED...: 50 YEARS
AGGREGATED TERM OF SUPERVISION...: 5 YEARS
EARLIEST DATE OF OFFENSE.....: 12-29-1996

JAIL CREDIT.....:	FROM DATE	THRU DATE
	09-26-1997	10-02-1997
	10-07-1999	10-14-1999
	10-24-2000	09-25-2003

G0002 MORE PAGES TO FOLLOW . . .

BROQG 540*23 *
PAGE 003 OF 003 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 12-14-2020

* 12-14-2020
* 10:40:24

REGNO..: 45021-054 NAME: ALLER, KEVIN

TOTAL PRIOR CREDIT TIME.....: 1082
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 2428
TOTAL GCT EARNED.....: 808
STATUTORY RELEASE DATE PROJECTED: 02-15-2044
ELDERLY OFFENDER TWO THIRDS DATE: 02-09-2034
EXPIRATION FULL TERM DATE.....: 10-09-2050
TIME SERVED.....: 20 YEARS 2 MONTHS 6 DAYS
PERCENTAGE OF FULL TERM SERVED...: 40.3
PERCENT OF STATUTORY TERM SERVED: 46.5

PROJECTED SATISFACTION DATE.....: 02-15-2044
PROJECTED SATISFACTION METHOD....: GCT REL

REMARKS.....: 10-09-07: SENTENCE COMP ASSUMED & DIS GCT TAKEN BY DSCC/ZMG
06-10-09: AMEND J&C REC'D CTS 2 & 3 TO RUN CS TO EACH OTHER
AND CT 4 TOTAL TIE 50 YRS. WSZ/D. 11-23-10: GED JEE/D. 4-4-14
DIS 31.KPH/D.8-7-15 DIS 31.KPH/D. 4/8/20: FSA/GCT UPD D/JNW.
05-14-20 GED UPDT D/CT2

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

BROQG 540*23 *
PAGE 001 *SENTENCE MONITORING
COMPUTATION DATA
AS OF 01-25-2021* 01-25-2021
* 09:25:47

REGNO.: 45021-054 NAME: ALLER, KEVIN

FBI NO.....: 223292PA8
ARS1.....: BRO/A-HLD
UNIT.....: H
DETAINERS.....: NODATE OF BIRTH: 07-31-1975 AGE: 45
ARS2.....: LEW/FED WRIT
QUARTERS.....: H05-503U
NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 07-30-2026 new one is wrong

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 01-30-2027 VIA GCT REL

new one is wrong

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW YORK, SOUTHERN DISTRICT
DOCKET NUMBER.....: S4 00CR00977-01 (JSM)
JUDGE.....: MARTIN, JR.
DATE SENTENCED/PROBATION IMPOSED: 09-26-2003
DATE COMMITTED.....: 11-13-2003
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NOFELONY ASSESS MISDMNR ASSESS FINES COSTS
NON-COMMITTED.: \$300.00 \$00.00 \$00.00 \$00.00

RESTITUTION....: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 545 18:1962 RACKETEER (RICO)
OFF/CHG: 18:1962(D); RACKETEERING CONSPIRACY (COUNT 2);
21:846;21:841(B) (1) (C) (*); CONSPIRACY TO DISTRIBUTE WITH
INTENT TO DISTRIBUTE COCAINE AND CRACK COCAINE (COUNT 3)SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 40 YEARS ←
TERM OF SUPERVISION.....: 5 YEARS
NEW SENTENCE IMPOSED.....: 20 YEARS
BASIS FOR CHANGE.....: 1ST STEP ACT CRK COCN
CLASS OF OFFENSE.....: CLASS A FELONY
DATE OF OFFENSE.....: 10-24-2000Focus on This
Section.They change the line
up. It's backwards look
at the old oneThis is after you took my time off. saying
2027. & it's wrong

G0002 MORE PAGES TO FOLLOW . . .

Mr. Koelhl I need your help can you fix it
 you took 20 years off that's 240 month. I have
 282 month left. so why it's not saying I need your
 help.
 42 month.

CAN YOU FIX IT

BROQG 540*23 *
PAGE 002 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 01-25-2021

* 01-25-2021
* 09:25:47

REGNO.: 45021-054 NAME: ALLER, KEVIN

-----CURRENT OBLIGATION NO: 020 -----
OFFENSE CODE....: 545 18:1962 RACKETEER (RICO)
OFF/CHG: 18:1959 (A) (5); CONSPIRACY TO COMMIT MURDER (COUNT 4)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 10 YEARS
TERM OF SUPERVISION.....: 3 YEARS
CLASS OF OFFENSE.....: CLASS A FELONY
RELATIONSHIP OF THIS OBLIGATION
TO OTHERS FOR THE OFFENDER....: CS TO 010/010/010
DATE OF OFFENSE.....: 12-29-1996

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 01-13-2021 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 01-15-2021 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010, 010 020

DATE COMPUTATION BEGAN.....: 09-26-2003
AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA
TOTAL TERM IN EFFECT.....: 30 YEARS
TOTAL TERM IN EFFECT CONVERTED...: 30 YEARS
AGGREGATED TERM OF SUPERVISION..: 5 YEARS
EARLIEST DATE OF OFFENSE.....: 12-29-1996

JAIL CREDIT.....:	FROM DATE	THRU DATE
09-26-1997	10-02-1997	
10-07-1999	10-14-1999	
10-24-2000	09-25-2003	

G0002 MORE PAGES TO FOLLOW . . .

BROQG 540*23 *
PAGE 003 OF 003 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 01-25-2021

* 01-25-2021
* 09:25:47

REGNO.: 45021-054 NAME: ALLER, KEVIN

TOTAL PRIOR CREDIT TIME.....: 1082
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 1348
TOTAL GCT EARNED.....: 808
STATUTORY RELEASE DATE PROJECTED: 01-30-2027
ELDERLY OFFENDER TWO THIRDS DATE: 10-10-2020
EXPIRATION FULL TERM DATE.....: 10-09-2030
TIME SERVED.....: 20 YEARS 3 MONTHS 17 DAYS
PERCENTAGE OF FULL TERM SERVED...: 67.6
PERCENT OF STATUTORY TERM SERVED: 77.1

PROJECTED SATISFACTION DATE.....: 01-30-2027
PROJECTED SATISFACTION METHOD....: GCT REL

REMARKS.....: 10-09-07: SENTENCE COMP ASSUMED & DIS GCT TAKEN BY DSCC/ZMG
06-10-09: AMEND J&C REC'D CTS 2 & 3 TO RUN CS TO EACH OTHER
AND CT 4 TOTAL TIE 50 YRS. WSZ/D. 11-23-10: GED JEE/D. 4-4-14
DIS 31.KPH/D.8-7-15 DIS 31.KPH/D. 4/8/20: FSA/GCT UPD D/JNW.
5-14-20 GED UPDT D/CT2. 1-13-21:REC'VD AJC (T/S) CT.3, CT.2
20 YRS & CT.4 10 YRS C/S. REDUCING TIE FROM 50 YRS TO 30 YRS.
D/DMR

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE